



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 430  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,923	03/29/2001	George Gerpheide	1153.INDE.NP	7545
26986	7590	12/05/2005	EXAMINER	
MORRIS O'BRYANT COMPAGNI, P.C.			ENG, DAVID Y	
136 SOUTH MAIN STREET			ART UNIT	
SUITE 700			PAPER NUMBER	
SALT LAKE CITY, UT 84101			2155	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/823,923	<b>Applicant(s)</b> GERPHEIDE, GEORGE	
	<b>Examiner</b> DAVID Y. ENG	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-53 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-47 is/are allowed.
- 6) ☒ Claim(s) 38-50 is/are rejected.
- 7) ☒ Claim(s) 51-53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Claims 1-9 have been cancelled. The active claims are 10-53.

Figures 1, 3 6 and 8 are objected to under 37CFR 1.84(o) for lack of legends.

Claim 48 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For proper antecedent basis, "web" in line 2 of claim 48 should be "world wide web".

In line 5 of claim 48, the term "web" appears to be missing after "wide".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claim 48 is rejected under 35 U.S.C. 102(a) as being clearly anticipated by Berstis (USP 6,092,100).

See Figures 1 and 3 in Berstis. Berstis teaches :

A system for facilitating navigation among websites and web pages at the websites that are accessible via the web, said system comprising:

a peripheral linking device (keyboard) for facilitating navigation in the world wide;

a browser terminal (client 10, Fig. 1) which is coupled to the peripheral linking device, and which displays information retrieved from the world wide web by using the peripheral linking device; and

a merchant database (web server42) which is hosted at a merchant database website and which displays merchant information, wherein the peripheral linking device navigates to the merchant database to thereby display the merchant information on the

Art Unit: 2155

browser terminal.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:


(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (USP 6,092,100) in view of Perkowski (USP 6,961,712).

Berstis teaches claim combination set forth above. Bertis does not teach a touch-screen keyboard. Touch-screen keyboard is well known in the art. Perkowski teaches a browsing system having a touch-screen keyboard. From the teaching of Perkowski, it would have been obvious to a person of ordinary skill in the art to use a tocy-screen type keyboard in Berstis so that commands can be inputted by screen touching.

Claims 10-47 and 51-53 are allowed if claim 51 is rewritten in independent form.

Any inquiry concerning this communication should be directed to DAVID Y. ENG at telephone number 571-272-3984.



DAVID Y. ENG  
PRIMARY EXAMINER